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7 FIDELITY NATIONAL TITLE INSURANCE COMPANY and
8 CHICAGO TITLE INSURANCE COMPANY

9
10 **UNITED STATES DISTRICT COURT**

11
12 **DISTRICT OF NEVADA**

13 DEUTSCHE BANK NATIONAL TRUST
14 COMPANY,

15 Plaintiff,

16 vs.

17 FIDELITY NATIONAL TITLE
18 INSURANCE COMPANY, et al.,

19 Defendant.

20 Case No.: 2:19-cv-00409-GMN-VCF

21 **STIPULATION AND ORDER TO
22 EXTEND DISCOVERY DEADLINES**

23 **(First Request)**

24 Plaintiff Deutsche Bank National Trust Company, as Indenture Trustee, on Behalf of the
25 Holders of the Accredited Mortgage Loan Trust 2004-3 Asset-Backed Notes (“Deutsche Bank”)
26 and specially appearing Defendants Fidelity National Title Insurance Company (“Fidelity”) and
27 Chicago Title Insurance Company (“Chicago Title,” and with Fidelity and Deutsche Bank, the
28 “Parties”), by and through their counsel of record, hereby submit their Stipulation to Extend
Discovery Deadlines by sixty (60) days in accordance with Local Rule 26-4 and Local Rule IA 6-
1.

1 In accordance with Local Rule 26-4, this Stipulation has been brought in good faith, with
2 good cause, is the first request for an extension of time to the discovery deadlines and is not
3 intended to cause delay.

4 **(a) A statement specifying the discovery completed:**

5 On June 20, 2019, Fidelity and Deutsche Bank conducted the Fed. R. Civ. P. 26(f)
6 conference. Thereafter, Fidelity and Deutsche Bank promptly submitted their proposed Joint
7 Discovery Plan and Scheduling Order on June 21, 2019 [ECF No. 12]. On June 24, 2019, the
8 Court entered the Discovery Plan and Scheduling Order [ECF No. 13] with the following
9 deadlines:

10 • Initial disclosures: July 16, 2019;
11 • Amend pleadings/add parties: October 18, 2019;
12 • Initial experts: November 18, 2019;
13 • Interim status report: November 18, 2019;
14 • Rebuttal experts: December 18, 2019;
15 • Discovery cutoff: January 17, 2020;
16 • Dispositive motions: February 18, 2020; and
17 • Joint proposed pretrial order: March 19, 2020, or 30 days after resolution of
18 dispositive motions.

19 Thereabouts and thereafter, the Parties completed the following discovery:

20 • Deutsche Bank's First Set of Interrogatories to Chicago Title, July 1, 2019;
21 • Deutsche Bank's First Set of Requests for Admissions to Chicago Title, July 1,
22 2019;
23 • Deutsche Bank's First Set of Requests for Production to Chicago Title, July 1,
24 2019;

- Deutsche Bank’s Initial Disclosures and Document Production, July 16, 2019;
- Fidelity’s and Chicago Title’s Initial Disclosures, July 16, 2019;
- Chicago Title’s First Set of Requests for Production to Deutsche Bank, August 21, 2019;
- Chicago Title’s First Set of Interrogatories to Deutsche Bank, August 21, 2019;
- Chicago Title’s Notice of Intent to Serve Subpoenas Duces Tecum, August 23, 2019;
- Chicago Title’s Responses to Deutsche Bank’s First Set of Interrogatories to Chicago Title, August 30, 2019;
- Chicago Title’s Responses to Deutsche Bank’s First Set of Requests for Admissions to Chicago Title, August 30, 2019;
- Chicago Title’s Responses to Deutsche Bank’s First Set of Requests for Production to Chicago Title, August 30, 2019;
- Deutsche Bank’s First Supplemental Disclosures of Witnesses and Documents, October 9, 2019;
- Deutsche Bank’s Responses to Chicago Title’s First Set of Requests for Production to Deutsche Bank, October 29, 2019;
- Deutsche Bank’s Responses to Chicago Title’s First Set of Interrogatories to Deutsche Bank, October 29, 2019; and
- Subpoena Duces Tecum to non-parties.

(b) A specific description of the discovery that remains to be completed:

The Parties need to conduct the following discovery:

- The Parties' initial expert disclosure;
- The Parties' rebuttal expert disclosure;

1 • Additional subpoenas to non-parties;

2 • Deposition of Chicago Title's Rule 30(b)(6) designee;

3 • Deposition of Deutsche Bank's Rule 30(b)(6) designee;

4 • Deposition of various fact witnesses and experts; and

5 • Such other discovery that may be deemed necessary or appropriate.

6 **(c) The reasons why the deadline was not satisfied or the remaining discovery was**
7 **not completed within the time limits set by the discovery plan:**

8 The Parties are requesting a sixty (60) day extension to the discovery deadlines for several
9 reasons. First, due to an inadvertent error, the Parties have only recently realized that Chicago
10 Title has not yet responded to Deutsche Bank's complaint. In addition to the instant Stipulation,
11 the Parties have contemporaneously filed a Stipulation to Extend Chicago's Deadline to Respond
12 to Deutsche Bank's Complaint until November 22, 2019. Deutsche Bank's expert will need
13 sufficient time to review Chicago Title's response to the complaint prior to preparing its expert
14 report. The current Scheduling Order provides for an initial expert disclosure deadline of
15 November 18, 2019. As such, the current deadlines do not provide an opportunity for Deutsche
16 Bank's expert to analyze Chicago Title's response prior to the initial expert disclosure deadline.
17 Additionally, counsel for Deutsche Bank will be out-of-town beginning November 26, 2019,
18 returning to the office on December 9, 2019. Given that Deutsche Bank utilizes the same expert
19 in a handful of matters pending before the Court and there are several expert report deadlines
20 after Deutsche Bank's counsel's return, and in conjunction with the Christmas and New Years'
21 holidays, the Parties request a sixty (60) day extension to the discovery deadlines so that the
22 Parties may disclose their initial expert disclosures on January 17, 2020.

23 In accordance with Local Rule 26-4, good cause exists for this extension as the Parties
24 only recently realized that Chicago Title has not yet responded to the complaint and a response is
25 needed before Deutsche Bank's expert may prepare its initial report. In addition to Deutsche
26 Bank's expert's need to analyze Chicago Title's response, Deutsche Bank's expert will be out-of-town
27 beginning November 26, 2019, returning to the office on December 9, 2019. Given that Deutsche
28 Bank utilizes the same expert in a handful of matters pending before the Court and there are several
 expert report deadlines after Deutsche Bank's counsel's return, and in conjunction with the
 Christmas and New Years' holidays, the Parties request a sixty (60) day extension to the
 discovery deadlines so that the Parties may disclose their initial expert disclosures on January 17, 2020.

1 Bank's Counsel's unavailability beginning November 26, 2019 and with the upcoming holidays,
2 the Parties request a sixty (60) day extension to the discovery deadlines. The extension to
3 produce initial expert disclosures on January 17, 2020 would afford the Parties' experts sufficient
4 opportunity to prepare, finalize, and produce their expert reports in this matter.
5

6 **(d) A proposed schedule for completing all remaining discovery.**

7 The Parties request that current Discovery Plan and Scheduling Order [ECF No. 13], be
8 amended as follows:

- 9 1. Last Day to Disclose Initial Expert Report: currently November 18, 2019, **desired**
10 **January 17, 2020;**
- 11 2. Last Day to Disclose Rebuttal Experts: currently December 18, 2019, **desired**
12 **February 18, 2020;**
- 13 3. Last Day to Complete Discovery: currently January 17, 2020; **desired March 17,**
14 **2020;**
- 15 4. Last Day to File Dispositive Motions: currently February 18, 2020; **desired April 20,**
16 **2020;** and

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5. Last Day to File Joint Pre-Trial Order: currently March 19, 2020, **desired May 20, 2020**. In the event dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until thirty (30) days after a decision of the dispositive motions. The disclosures required by FRCP 26(a)(3), and any objections thereto, shall be included in the pretrial order.

IT IS SO STIPULATED.

DATED this 13th day of November, 2019.

DATED this 13th day of November, 2019.

WRIGHT, FINLAY & ZAK, LLP

/s/ Lindsay D. Robbins

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Fidelity National Title Insurance Company
and Chicago Title Insurance Company

IT IS SO ORDERED.

DATED November 15, 2019

Carl Gaddis

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2019 the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY DEADLINES** was served to all parties and counsel identified on the CM/ECF System via Electronic Notification, including the following:

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